

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AUTOMATION CONTROLS  
& ENGINEERING, LLC,

Plaintiff,

v.

Civil Action No.: 19-12724  
Honorable George Caram Steeh  
Magistrate Judge Elizabeth A. Stafford

FELSMAT USA, INC. and  
RYAN BERMAN,

Defendants.

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**ORDER RESOLVING REMAINING ISSUES FROM  
MOTIONS TO COMPEL [ECF NOS. 15, 30, 31]**

In October 2019, Plaintiff Automation Controls & Engineering, LLC (ACE) moved to compel inspection and copying of a computer hard drive. [ECF No. 15].<sup>1</sup> The following month, Defendants Felsomat USA and Ryan Berman moved to compel responses to interrogatories and requests for production of documents. [ECF No. 30; ECF No. 31]. The parties resolved some of the issues by stipulation and submitted a joint list of unresolved issues for the rest. [ECF No. 49; ECF No. 49-1; ECF No. 50]. The Court

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<sup>1</sup> The Honorable George Caram Steeh referred all non-dispositive pretrial matters to the undersigned under 28 U.S.C. § 636(b)(1)(A). [ECF No. 18].

held a hearing on the unresolved issues of February 24, 2020, and found as follows:

- The Court accepts ACE's proposed language for §§ 4 and 7 of the protocol for inspection of Berman's personal computer and the June 2019 mirror image of that computer. Before the responsive documents are disclosed to ACE, defendants may review the documents and remove from production anything that is privileged or personal. Defendant may also designate documents as confidential, and may meet and confer with ACE about any requests that documents be "attorneys' eyes only." If ACE does not agree that documents identified by defendants should be attorneys' eyes only, defendants may move for a protective order. The Court expects that defendants will limit their requests for documents to be designated as attorneys' eyes only.
- The Court **GRANTS** ACE's motion to compel defendants to produce documents under request nos. 4, 6-13 and 18.
- The Court **GRANTS** ACE's motion to compel defendants to produce documents under request no. 16, except that only documents that relate to Berman and one of the eight identified

customers (Systrand, Cummins, Husky Injection Molding Systems, ZF North America, EMAG, Crown Equipment, American Turned Products, Inc. or Thielenhaus Microfinish Corporation) must be produced. ACE may request to broaden the customers for which defendants must respond produce documents under this request if ACE shows evidence that those other customers are relevant.

- The Court **GRANTS** ACE's motion to compel defendants to produce documents responsive to no. 19 to the extent related to companies Berman dealt with while at ACE.

Berman must produce his computer for the forensic examination by March 9, 2020, and defendants must produce documents as ordered here by March 16, 2020.

This Order resolves the remaining issues in the parties' motions to compel [ECF No 15; ECF No. 30; ECF No. 31].

**IT IS SO ORDERED.**

Dated: February 25, 2020  
Detroit, Michigan

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

## **NOTICE TO PARTIES REGARDING OBJECTIONS**

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of 14 days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 25, 2020.

s/Marlena Williams  
MARLENA WILLIAMS  
Case Manager